

In the Matter of

the Resource Management Act
1991 (**Act**)

And

In the Matter of

The Proposed Te Tai O Poutini Plan
– Natural Features & Landscapes
Chapter

Statement of Evidence of
Sean Tristan Dent
for Totally Tourism Limited

(Submitter 449)

Dated: 12 February 2024

INTRODUCTION

Qualifications and Experience

1. My full name is Sean Tristan Dent.
2. I am a resource management planning consultant and a Director of Southern Planning Group (2017) Limited (Southern Planning Group). I live in Cromwell, Central Otago.
3. I hold the qualification of Bachelor of Resource Studies from Lincoln University which I obtained in 2005 and I am an Associate Member of the New Zealand Planning Institute. I have been a resource management planning consultant with Southern Planning Group for almost 17 years. Prior to this, I was employed as a resource consent processing planner and compliance officer with Lakes Environmental (formerly CivicCorp) for approximately two years.
4. Throughout my professional career, I have been involved in a range of resource consent and policy matters. I have made numerous appearances before various District and Regional Councils, and the Environment Court.
5. Of relevance to the submission of Totally Tourism Limited (TTL), I have acted for TTL as their planning consultant since 2012 as well as their various subsidiary companies¹.
6. For TTL and their subsidiaries, I have been involved in the compilation of and overseeing of the processing of multiple applications for Concessions from the Department of Conservation in various conservancies throughout the South Island including the West Coast Conservancy.
7. I have also represented TTL and their subsidiaries in the 2014 partial review of the Westland Tai Poutini National Park Management Plan, and the Draft National Park Management Plan notified in 2018.
8. I have also been involved in the obtaining of pre-application advice, and assessment of potential compliance matters, participation in plan changes, and the subsequent compilation of multiple resource consent applications to District and Regional Councils on behalf of TTL and their subsidiaries throughout different districts in the South Island including the Westland District².

¹ *Subsidiary companies include The Helicopter Line, Glacier Helicopters, Harris Mountains Heli Ski, Mitre Peak Cruises, Milford Sound Scenic Flights, Challenge Rafting and Alpine Guides.*

² *RC170040 Being an application for a commercial helicopter base at Fox Glacier, and RC-20178-0015-01, 02, and 03 being land use consent for gravel extraction and bed disturbance and water permit for a diversion of water at Stoney Creek, Franz Alpine Resort and Plan Change 7 – Fault Rupture Avoidance Zones for the Westland District Council.*

9. Through my breadth of experience as previously described, I have acquired a sound knowledge and experience of the resource management planning issues that are relevant to the submission of TTL.

Code of Conduct

10. I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence is within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

SCOPE OF EVIDENCE

11. The topics covered in my evidence are as follows:
 - (a) background and involvement;
 - (b) comments on the S42A Report; and
 - (c) conclusion.

BACKGROUND AND INVOLVEMENT

12. As identified above, I have acted for TTL and their subsidiaries since 2012. My engagement with TTL has included the provision of resource management planning advice regarding the current area of residential and commercial zoning (Tourist Settlement Zone) located north of the Tatare River and known as the Franz Alpine Resort³.
13. I have provided TTL with resource management planning advice on this area since their purchase of approximately 72Ha of land at Franz Alpine Resort in 2017.
14. I was engaged by TTL to assess the implications of the proposed TTPP on Franz Alpine Resort following notification of the TTPP in July 2022. As identified at paragraphs 4.27 to 4.28 of the TTL submission, I identified that the proposed ONL line which extended into land intended to be zoned for residential, commercial, and recreational land use (proposed Settlement Zone) was inappropriate.
15. I acknowledge that this hearing stream is related only to the Landscape and Natural Features provisions of the TTPP. Accordingly, my evidence will address only the location of ONL line in regard to Franz Alpine Resort and its location in regard to Lot

³ As referred to in Section 5.4 and Map 14 of the Operative Westland District Plan.

33 DP 409401 owned by TTL and discussed in the S42A report for this hearing stream.

16. I note that the TTL submission opposes the TTPP Settlement Zone – Rural Residential Precinct being applied to Franz Alpine Resort and that consideration of this matter will occur during the hearing stream for Topic 20 – Settlement Zone and its Precincts⁴.
17. Further, it is proposed that this evidence be taken as read. It is not considered necessary to travel and articulate this evidence to the Hearings Panel in person.

COMMENTS ON THE LANDSCAPES AND NATURAL FEATURES S42A REPORT

18. As noted above, the TTL submission opposed the notified location of the ONL 14 line in the TTPP with respect to its position overlying what is proposed to be Settlement Zone.



Figure 1. TTPP Notified Version of Map Showing Settlement Zone and Rural Residential Precinct, Rural Zone, and ONL 14 Line (green dotted line).

19. In my opinion, it is at odds with the intention of the Settlement Zone which seeks to provide for residential and some commercial activities, to afflict the zone with an ONL.
20. Imposing an ONL on land which, by virtue of its underlying zoning, could potentially have permitted residential and commercial activities, subsequently resulting in the potential for Restricted Discretionary and Discretionary Activity Consents being required for vegetation clearance, earthworks, and buildings is not an appropriate resource management outcome.

⁴ Minute 2 of the TTPP Joint Committee, dated 8 August 2023, page 13.

21. However, I acknowledge that the S42A report writer has considered the views expressed above and relied on updated maps prepared by Brown NZ Limited to confirm that the extent of ONL 14 on the submitters land has reduced.
22. The amended ONL 14 line in the vicinity of the submitters site was illustrated in the S42A report as follows:



Figure 2. Notified and Amended ONL 14 Line at Franz Alpine Resort as illustrated in S42A Report.

23. The difference is difficult to ascertain given the different scales and quality of the images. However, this was acknowledged and as noted in Section 5 of the S42A report addendum, the maps have been digitised and are much clearer as illustrated below:

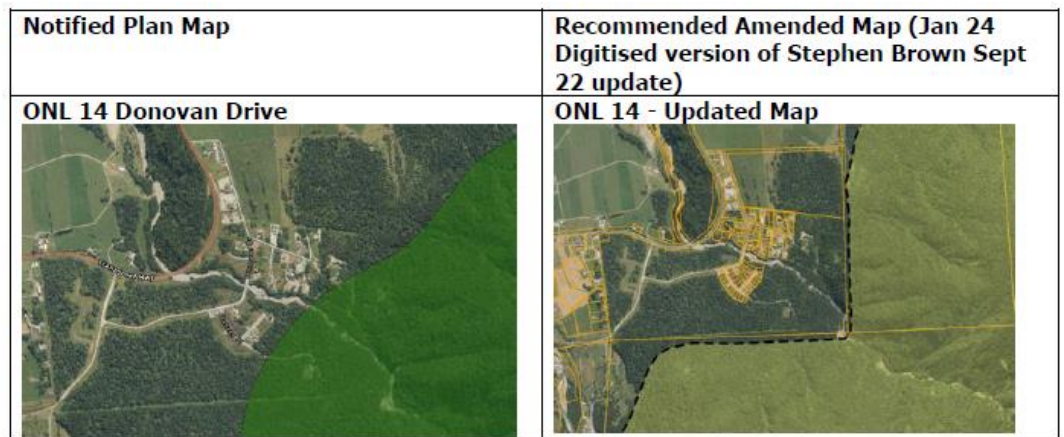


Figure 3. Notified and Amended ONL 14 Line at Franz Alpine Resort as Illustrated in the S42A Report Addendum.

24. I consider that the refined GIS mapping illustrated above would resolve the submitters concern as there is no ONL impacting their property, even the part that is proposed to be zoned Rural.

25. However, the S42A report addendum at Section 2, accepts in full the recommendations made in the Bridget Gilbert Landscape Architecture review of the ONL's identified in the West Coast districts by Stephen Brown of Brown NZ Ltd.
26. Of specific relevance to TTL, the Bridget Gilbert Landscape Architecture Report suggests that "*Minor refinement of the ONL 14 mapping in the vicinity Donovan Drive, Franz Joseph is recommended to follow a 'landscape' rather than a zone boundary.*"⁵
27. Somewhat surprisingly, the Bridget Gilbert Landscape Architecture report does not include any revised mapping to illustrate where her recommended ONL line should go in relation to the TTL's property and the Settlement Zone. The S42A report writer does not comment on this.
28. In my opinion, there is insufficient information from Ms Gilbert to understand where the ONL line is recommended to lie. It is also noted in Ms Gilbert's report that a specific site visit to TTL's land at Franz Alpine Resort did not occur as part of her review⁶. Accordingly, it is my opinion that it is appropriate to rely on the revised mapping illustrated in Figure 3 above which has been compiled by Mr Stephen Brown, an expert landscape architect.
29. I am not a landscape architect however, from my professional experience, I can understand and appreciate what Ms Gilbert is suggesting regarding the ONL not following the hard edge of a zone or property boundary. It is unfortunate that she has not had the time⁷ to refine the ONL mapping.
30. Notwithstanding, it is my opinion that maintaining the ONL 14 boundary as per the 2024 digitised maps illustrated in Figure 3 above, will not result in any 'hard line' of future development following the TTL property boundary (or Zone boundary).
31. This is because part of the TTL site is zoned Rural and parts of both the Rural and Settlement Zone on TTL's site in the vicinity of the ONL 14 line are affected by the earthquake hazard overlay. Accordingly, future development is highly unlikely to occur in this area and will not form a solid congruous line of development.

CONCLUSION

32. Overall, it is my opinion that maintaining the ONL 14 line in the vicinity of the TTL property as illustrated in the 2024 digitised maps from Brown NZ Limited is appropriate.

⁵ *Bridget Gilbert Landscape Architecture Report, January 2024, Section 1 Executive Summary, 1.2(e)(i), page 1 and Section 5.1(j)(vi) page 22, and Section 4, page 16.*

⁶ *Bridget Gilbert Landscape Architecture Report, January 2024, Section 2.10, page 3.*

⁷ *Bridget Gilbert Landscape Architecture Report, January 2024, Section 3.33, page 9.*

33. As noted above, the Settlement Zoning afforded to the TTL site anticipates residential and commercial development and therefore imposing an ONL would be detrimental to achieving the zone purpose.
34. While the ONL line has been subject to a recommendation to be altered to follow a 'landscape boundary', the recommendation has been made without seeing the subject site, and without provision of a recommended amended map for consideration by the submitter or the TTPP Hearings Panel.
35. Taking the above into consideration as well as the implications to future built development from the earthquake hazard overlays, I consider it is appropriate to retain the ONL 14 line as illustrated on the 2024 digitised map in Figure 3 above.
36. Should the TTPP be presented with an amended map showing Ms Gilbert's recommended location for the ONL 14 line, it is respectfully requested that the submitter has an opportunity to comment on this.



Sean Tristan Dent

12 February 2024
